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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN JOSE DIVISION**

22 FORTINET, INC.,

23 Plaintiff,

24 vs.

25 FIREEYE, INC.,

26 Defendant.

Case No. 5:13-cv-02496-EJD-PSG

STIPULATION REGARDING
~~PROPOSED~~ AMENDED ANSWER AND
COUNTERCLAIMS

JURY TRIAL DEMANDED

Courtroom: 4
Judge: Hon. Edward J. Davila
Floor: 5th Floor

1 Plaintiff Fortinet, Inc. (“Plaintiff”) and Defendant FireEye, Inc. (“FireEye” or “Defendant”)
2 hereby stipulate and agree to the following terms:

3 WHEREAS on November 21, 2014, Defendant filed its Answer to Fortinet’s First Amended
4 Complaint and Counterclaims; and

5 WHEREAS FireEye sought consent from Plaintiff to amend its Answer and Counterclaims to
6 include a government sales defense under 28 U.S.C. § 1498, and Plaintiff agreed.

7 NOW, THEREFORE, the parties by and through their respective counsel hereby stipulate
8 and agree that the Amended Answer to Fortinet’s First Amended Complaint and Counterclaims
9 attached hereto as Exhibit A may be filed by consent pursuant to Federal Rule of Civil Procedure
10 15(a)(2) and deemed filed and served as of this date.

IT IS SO STIPULATED on this 9th day of February, 2015.

Respectfully submitted,

Dated: February 9, 2015

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

By: /s/ Matthew Cannon

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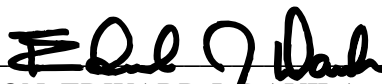
Attorneys for Defendant
FIREEYE, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The amended answer shall be filed as a separate docket item forthwith.

DATED: 2/10/2015


HON. EDWARD J. DAVILA
United States District Judge

Local Rule 5-1(i)(3) Attestation

I, Shane Brun, am the ECF user whose ID and Password are being used to file this
STIPULATION REGARDING [PROPOSED] AMENDED ANSWER AND COUNTERCLAIMS.

In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Matthew Cannon counsel
for Plaintiff, Fortinet, Inc., has concurred in its filing.

Dated: February 9, 2015

/s/ Shane Brun
Shane Brun

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 9, 2015, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5-5. Any counsel of record who have not consented to electronic service through the Court's CM/ECF system will be served by electronic mail, first class mail, facsimile and/or overnight delivery.

/s/ Shane Brun
Shane Brun